Applicants submit a "clean claim set" of all pending claims (with the same numbers as the respective pending claims being re-presented) and requests cancellation of all previous versions thereof (*see* Appendix B for marked-up versions of respective amended prior pending claims).

("Clean" set of proposed claims:)

1 ~~4~~. (Amended) An isolated nucleic acid comprising a sequence that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:1, or a fragment of SEQ ID NO:1 of about 50 to 79 contiguous residues in length, wherein the polypeptide binds to the extracellular domain ~~(ECD)~~ (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}.

2 ~~5~~. (Amended) The isolated nucleic acid of claim 1 ~~4~~, wherein the polypeptide is from about 69 to 79 contiguous residues in length.

3 ~~6~~. (Amended) The isolated nucleic acid of claim 1 ~~4~~, wherein the polypeptide binds to a site on the extracellular domain (ECD) of HER-2 that is, at least in part, distinct from the site of binding of the 4D5 humanized monoclonal antibody (HERCEPTIN®).

7. (Amended) A transfected cell comprising an expression vector comprising a nucleic acid that encodes a polypeptide of SEQ ID NO:1 of about 50 to 79 contiguous residues in length, wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}.

5 ~~11~~. (Amended) An isolated nucleic acid comprising a sequence that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:2, or a fragment of SEQ ID NO:2 of about 80 to 419 contiguous residues in length, wherein the C terminal 79 contiguous amino acids are present, wherein at least one N-linked glycosylation site is present, and wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}.

6 ~~12~~. (Amended) The isolated nucleic acid of claim 5 ~~11~~, wherein the polypeptide is from about 350 to 419 residues in length and three N-linked glycosylation sites are present.

7 ~~13~~. (Amended) A transfected cell comprising an expression vector comprising a nucleic acid that encodes a polypeptide of SEQ ID NO:2 of about 80 to 419 contiguous residues in length, wherein the C terminal contiguous 79 amino acids are present, wherein at least one N-linked glycosylation site is present, and wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}.